M.R.O. 1—28,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 538 Press ~~Mis.~~

25-26

Dated 2.4.1862 ~~11~~ .

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Not to be folded or roughly handled

No. 25. Read the following letter from A. WEDDERBURN, Esq., Magistrate of Cuddapah; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 17th March 1862, No. 9.

1. I have the honor to submit for the consideration of Government the annexed letter to my address from the Acting Joint Magistrate of Cuddapah. The Superintendent of Police first brought the circumstances of the case to my notice, but I deferred taking any steps on the subject, until the result of the trial of the apprehended robbers, in the Sessions Court, should be known; a conviction was not obtained, the sentence of the Sessions Court is also appended.

2. It appears that two persons, G. Amoortana and N. Venkoba Row, resisted a gang of robbers who attacked the houses of their masters residing in Vungimulla, in Royachoty Taluq, on the night of 27th December 1861, and that Amoortana shot one of the robbers, and then attacked the others and wounded one of them, and that M. Venkoba Row killed another. The odds against these two men were very great as the gang is said to have consisted of 30. The two killed were identified. The Acting Sessions Judge was of opinion that the above individuals "either acted in a most spirited manner, or have been guilty of deliberate murder," the latter alternative resting only on the Taluq statements of certain apprehended prisoners, before the Taluq Magistrate, and not repeated before the Sessions Court, and since disavowed before the Joint Magistrate. The Court's sentence does not contain the grounds of acquittal but merely records the fact.

3. Taking all the circumstances into consideration there seems good ground for coming to the conclusion arrived at by the Acting Joint Magistrate after a local enquiry, that the said resisters of the robbers acted in a very spirited manner, and are consequently deserving of encouragement and reward.

4. I do not attach weight to the Taluq statement of the prisoners, who were baffled in their attempt at robbery. As the Joint Magistrate remarks, a greater degree of preparation would have been made for the reception of so large a band of robbers, if the attempt had been instigated by their eventual resisters. Amoortana seems to have had no opportunity for organising such a scheme, and the watching by night their masters crops and being prepared with firearms, are fully explained by the Acting Joint Magistrate.

5. There seems to be no doubt that there was an attempted gang robbery. The Acting Joint Magistrate has fully satisfied himself by an enquiry on the spot of the truth of the original charge, there is no reason to doubt that the robbers were scared away by the spirited conduct of the two persons recommended for reward, but as neither of them suffered in person, like the four men who lately defended a neighbouring village, and as they appear to have dealt with a more cowardly gang, I would not propose that the reward of the former should equal that of the latter as recommended by the Acting Joint Magistrate, but that there should be a distinction observed, and would beg to recommend that a bangle of the value of Rupees (25) twenty-five, be given to each of the persons recommended by the Acting Joint Magistrate, viz., Amoortana and Venkoba Row. It would, in my opinion, be impolitic to pass over unnoticed the rising energies of the people in self defence, and the discouragement given thereby to gang robbery, when it is found to be attended with more risk than profit.

From F. B. MOLONY, Esq., Acting Joint Magistrate, Cuddapah; to A. WEDDERBURN, Esq., Magistrate of Cuddapah, dated 19th February 1862, No. 22.

In continuation of my letter, No. 15 of 11th instant in answer to yours, No. 76 of the 8th idem, I have the honor to report that I have made an enquiry into the case of G. Amoortana and M. Vencoba Row the persons who resisted the gang of robbers that attacked the houses of P. Chenna Reddy and P. Chenchi Reddy at Poliwandlappalli a hamlet of Vunghymullah in the Royachoty Taluq at midnight of the 29th December last. You are aware that three of the

Prisoners, who were originally apprehended in the case, deposed before the Taluq Magistrate, that G. Amoortana was the man who originally invited them to attempt the robbery, and that on this account, it was considered advisable not to make any recommendation for reward till the Sessions Court should have decided the case, it being impossible till the parties returned from Cuddapah to make any sufficient enquiry into the truth or otherwise of this allegation. I have now entirely satisfied myself that this statement is utterly devoid of truth for reasons which will be given. It seems that G. Amoortana is a servant of P. Chenna Reddy and that some days previous to the robbery Chenna Reddy's seed bed of paddy had been considerably damaged by wild pigs. The village of Vunghymullah lies at the foot of the Palacondah range of hills and crops in such a situation would be very liable to injury from wild pigs. Amoortana was set to watch and drive off the pigs, and had taken a gun and a hunting hatchet for the purpose. Vencoba Row was also watching with him, armed with a hunting hatchet. In this I see nothing extraordinary. At midnight the gang attacked the village about 30 strong, and broke into the houses of Chenna Reddy and Chenchi Reddy, they were not however allowed to take any plunder, as they were immediately resisted by Amoortana and Vencoba Row Amoortana shot the torch bearer through the back, and throwing away his matchlock, struck him a blow with a hunting hatchet on the neck which killed him. Amoortana then attacked the robbers in Chenchi Reddy's house, and wounded certainly one, if not more, very severely. In the meantime Vencoba Row was attacked by a man named Mulliah armed with a sword, but he was able to ward off the robber's blow with a stick, and then killed him with three or four blows of his hunting hatchet. The other robbers then ran away and the man wounded by Amoortana was also able to get off with him. Two were however killed. These two were named Y. Mulliah and M. Moosiligadoo. Both were inhabitants of Mutly, a village about six miles from the scene of the robbery. Three prisoners were apprehended on the next day, and two of these in their depositions before the Taluq Magistrate stated that Amoortana had himself got up the gang. This statement was however not made before the Sessions Court, and though I have carefully explained to them that having been once acquitted, they are in no danger of further proceedings, they now deny before me the depositions given before the Taluq Magistrate. That the statement contained in these depositions should be true seems to me highly improbable. In the first place I think it improbable that for the sake of a few Rupees two men would thus deliberately plan to take the life of men, against whom they bore no enmity; but it is more improbable still that they should invite a large armed gang of 30 men or more, in order that they two might have the chance of attacking such overwhelming numbers. Had they really planned the affair they surely would have taken care to be supported by others, and not have allowed the odds against them to be so heavy as fifteen to one. On the other hand it is extremely probable that the robbers, disappointed of their plunder through the bravery of these men, agreed to tell the story they did, in order to have revenge, nor had there been any truth in their statements do I see why they should withhold it now when all fear of consequences to themselves is at an end. A year ago I would scarcely have believed that any native in the district would have shown so much spirit, but it is now happily becoming very common, and we have known so many instances of equal bravery lately, that the story told by Amoortana and his comrade cannot be said to be even improbable. I have made the strictest enquiries as to the whereabouts of Amoortana on the day before, and on the day of the robbery, and find that on the day before, 28th December last, he was one of a hunting party that killed a wild pig on the side of the hill near Vunghymullah, he returned before sun set, and had his rice at Chenna Reddy's house, afterwards he went to watch at the seed bed. Next day he had rice again at Chenna Reddy's house in the morning, and then accompanied him to Veerapalli, a village rather less than two miles off. He was the whole day there and was seen at the Choultry by the Inspector of Police. In the evening he returned to Vunghymullah, ate his rice again as usual at Chenna Reddy's house, and then went to watch the crop. In the middle of the night the robbery occurred. There was therefore no opportunity for him to have gone to Peddivaid, where he is stated by the Prisoners to have spoken to them on the 29th or the day of the robbery, especially as by the account of one man he was there in the morning and of another in the evening. Peddivaid is about four miles distant from Vunghymullah and the village of Veerapalli is not on the road to it. It is

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also most unlikely that an extensive gang of this sort could be got together in a few hours, all the arrangements made, and the robbery committed the same night.

Against all this there is the mere assertion of men of course anxious to be revenged on the cause of their failure and of their own apprehension and even this assertion is now withdrawn.

Under these circumstances I have no hesitation whatever in expressing my opinion that Amoortana and Vencoba Row are perfectly innocent of having themselves invited the robbers, and would beg to recommend that they be suitably rewarded for their intrepid conduct. A sum of fifty Rupees and some ornament of the value of twenty-five Rupees more to each would I think be a proper recognition of their bravery.

(True Copy.)

(Signed) A. WEDDERBURN,
Magistrate.

Calendar of persons committed for trial before the Sessions Court of Cuddadpah.

Number of the Case.	Names of the Parties.	Designation of the offence, the charge and date of the complaint.	Abstract of Futwah.	Sentence.
5/7	The Queen on the Prosecution of P. Chennareddy. *versus.* 1. D. Chennappadoo. 2. D. Papannah. 3. M. Maroogadoo. 4. P. Basenaidoo.	Attempt at Gang Robbery. *Charge.*—The 1st, 2nd, and 3rd Prisoners with having on the night of the 29th December 1861, in company with others, armed with weapons, and carrying lighted torches, unlawfully attempted to enter the Prosecutor's house at Polevandlahpully in the Royachoty Taluq, by breaking the street door with an axe, with intent to rob, and further with having at the same time and place, unlawfully entered his paternal Uncle P. Chencheereddy's house and struck him with sticks with the same intent. The 4th Prisoner with having aided and abetted the said Prisoners in the said attempt by lending a sword to a robber who was killed. Complaint made 29th December 1861.		1. The 1st, 2nd and 3rd Prisoners are alleged to have made confession in the Taluq under, the 6th witness a Constable avers, a promise from the Inspector Vencoba Row of being released. They have pleaded not guilty before the Acting Principal Sudr Ameen and Session Court. The 4th has pleaded not guilty throughout. The Mahomedan Law Officer acquits the Prisoners and the Acting Session Judge concurs. 2. It appears that the 1st and 2nd witnesses have been recommended by the Superintendent of Police for reward in consequence of their having killed two alleged robbers on the occasion in question. The Acting Session Judge is of opinion that the rewards should on no account be given until the Magistrate has most fully satisfied himself that the said witnesses did not themselves seduce the deceased robbers into attempting the robbery with the predetermined deliberate intention of killing them, either for the sake of an expected reward or for some other reason unknown to the Court. It is a very remarkable circumstance that two men, one a Brahmin, should have been sitting up for the ostensible purpose of watching for wild-pigs, and that they two quite unsupported should have attacked a gang of robbers which by their account numbered from 40 to 50.

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3. Either they behaved in a most spirited manner or they have been guilty of deliberate murder, and it is obvious that every shadow of doubt must be removed before a reward can be given.

The Prisoners are unconditionally released.

(Signed) R. DAVIDSON,
Acting Session Judge.

5th February 1862.

(True Copy.)

(Signed) A. WEDDERBURN,
Magistrate.

No. 26. ORDER THEREON, 2nd April 1862, No. 538.

Under the circumstances represented by the Magistrate, the Government sanction the presentation of a bangle of the value of (25) twenty-five Rupees to each of the two men named Amoortana and Vencoba Row.

2. The attention of the Inspector General of Police is called to the assertion said in the Calendar to have been made by a Constable, that three of the Prisoners confessed in the Talook under a promise of release made by the Inspector Vencoba Row.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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No. 538—2d April 1862

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[illegible] his Order

Indoc 1862.
Magistrate's Deposition
Prisoners Appeal
Warrant
Affidavit of Service
Chief Secretary
Inspector
Sub Inspector
Chief Constable
Sergeant
Police Constable
Writs and Orders

have been made by a Constable that three of the prisoners confessed in the Calaboose under a promise of release made by the Inspector Tuncoba-

row.

The Magistrate
Chief Constable
Inspector General of Police
Civil Paymaster
Gaol Clerk.

Days "3rd"

Exd. F. Cartledge